

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: UNITYPOINT CLINIC FAMILY MEDICINE AT HUXLEY f/k/a HUXLEY FAMILY PHYSICIANS	DOCKET NO. FCU-2013-0004
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**ORDER REGARDING FOURTH TELEPHONE PREHEARING CONFERENCE
AND REQUIRING FILING**

(Issued May 20, 2014)

A telephone prehearing conference was held in this case on May 19, 2014. The Consumer Advocate was represented by its attorney, Mr. Craig Graziano. Qwest Communications Company d/b/a CenturyLink QCC (CenturyLink) was represented by its attorney, Ms. Becky Owenson Kilpatrick. Huxley Communications Cooperative (Huxley Communications) was represented by its attorney, Ms. Kris Holub Tilley. Huxley Communications General Manager Gary Clark was also present on the call. Bluetone Communications, Inc. (Bluetone), was represented by its attorney, Mr. Bret Dublinske. Ms. Gina Manzano, Director, Wholesale Account Support, was also on the call for Bluetone. Board staff member Ms. Tara Ganpat-Puffett was also on the call.

In a response filed with the Utilities Board (Board) on April 24, 2014, the Consumer Advocate reported that Ms. Kelly Brozek, Administrator of UnityPoint Clinic Family Medicine at Huxley f/k/a Huxley Family Physicians (the Huxley Clinic), advised the Consumer Advocate that the Huxley Clinic does not have any issues to

report and everything seems to be going fine at this time. At the prehearing conference, the Consumer Advocate reported that Ms. Brozek sent an e-mail message to him on May 19 stating the Huxley Clinic had no issues.

The Consumer Advocate has received discovery responses from CenturyLink, Bluetone, and Huxley Communications. The Consumer Advocate is reviewing partial discovery responses received from CenturyLink in the *Rehabilitation Center of Allison, Iowa*, Docket No. FCU-2012-0019 (*Allison*), case, and is waiting for additional follow-up discovery responses from CenturyLink in that case. In this case, the Consumer Advocate anticipates a continuing need for discovery from CenturyLink and the other parties and requests an additional 90 days for further discovery and investigation before a procedural schedule is set. The Consumer Advocate recently sent data requests to Bluetone in the *Complaint of Douglas Pals*, Docket No. FCU-2013-0009 (*Douglas Pals*), case, and is waiting for responses that are due June 6. In this case, the Consumer Advocate sent one data request to Huxley Communications, received a response, and does not think there is a need to send further discovery requests to Huxley Communications. The Consumer Advocate does not yet know the cause of the problems in this case and does not know if a specific cause will be able to be identified. The Consumer Advocate knows that correcting the problem in this case was due to routing changes made by CenturyLink and possibly by Bluetone, and has an outstanding discovery request to Bluetone regarding this issue. In general, the Consumer Advocate thinks progress is being made in learning about and understanding the call completion problems and solutions.

CenturyLink has provided answers to the Consumer Advocate's data requests and expects to provide additional answers on May 19, 2014. CenturyLink thinks its discovery responses are almost complete in the *Allison* case, and it will then be focusing on discovery responses in the *Hancock County Health Systems*, Docket No. FCU-2013-0005 (*HCHS*), case. CenturyLink stated it does not yet have a good answer to the root causes of the call completion problems, although they are making progress in understanding them. CenturyLink is providing good information to the Consumer Advocate about CenturyLink's processes and procedures. CenturyLink understands the solution in this case was to remove the underlying carrier, but does not know the root cause why removal of the underlying carrier solved the problem. CenturyLink thinks progress is being made in understanding causes and solutions.

Huxley Communications does not expect to conduct discovery in this case. It did not consent to the Consumer Advocate's request for an additional 90 days because the Huxley Clinic is not having call completion problems, it appears CenturyLink's removal of Bluetone as the underlying carrier addressed the problem for the Huxley Clinic, and it does not appear additional discovery or an additional 90 days is needed in this case. Huxley Communications understands the Consumer Advocate is pursuing discovery in the *Allison*, *Douglas Pals*, and other call completion cases. However, it does not appear to Huxley Communications that additional discovery is needed in this case. Huxley Communications would like to be released from further involvement in this docket due to the burden of the time and expense for its lawyer and general manager to stay informed of discovery in the call completion cases. Huxley Communications is interested in resolving the call

completion problems for customers in Iowa and agrees that just because the problem was solved for the complainant in this case does not mean that the Iowa call completion problem is solved. Huxley Communications says it is clear the issues in the other cases are impacting this case indirectly.

Bluetone finds Huxley Communications' position interesting and does not disagree, but it will participate and cooperate in discovery and has no objection to the extension. Bluetone says the Consumer Advocate's report is accurate. Bluetone has no plans to serve discovery and will abide by the June 6 deadline for its data responses in the *Douglas Pals* case. Bluetone stated in this case, it appears the problem was solved by the two changes in routing that were made by CenturyLink and Bluetone and there is a unique situation with regard to the carrier removal from Bluetone's routing. With regard to the bigger picture, Bluetone said it has a small slice of call pathways and no good feel for a general cause. It appears call routing changes solve the immediate problem in some cases, but different facts in the cases make it hard to tell whether the cause is the same in all cases. In any case, Bluetone says it is not in a position to be able to see progress made as to the larger questions and they are helping as they can by providing information when asked.

In response to Huxley Communications' concerns that an additional 90 days is not needed, the Consumer Advocate stated the concern in these cases is not just getting the problem fixed for a particular customer, but in finding a long term solution for Iowa customers in general. The Consumer Advocate states that just because the problem appears to be solved for the Huxley Clinic does not mean the problem is solved for Iowa. The Consumer Advocate is not interested in putting unnecessary

burdens on Huxley Communications in this case. It is not sending data requests to any party unless the Consumer Advocate needs the information as part of understanding and solving the larger problem. The Consumer Advocate does not disagree with Huxley Communications that this case is not the lead case, and other cases have been more in the forefront. The Consumer Advocate states it is difficult to figure the larger problem out, and it is hard to make progress, but progress is being made and the Consumer Advocate does not know what would be accomplished by filing testimony in this case at this time.

The Consumer Advocate states that providing an additional 90 days for further discovery and investigation is needed in this case. CenturyLink and Bluetone have no objection. It is unfortunate that a burden is being placed on Huxley Communications in this case due to its need to follow progress in all the call completion cases. However, it appears that progress is being made both in discovery and investigation, and in the parties' understanding of the causes and solutions to the Iowa call completion problems. It appears that continuing with discovery in these cases collectively and in this case in particular is still needed and is of value. It also appears that learning the causes, immediate solutions, and permanent solutions to these call completion problems is in the best interest of Iowa customers and most telephone carriers, including Huxley Communications and its customers. Therefore, since the Huxley Clinic is not experiencing call completion problems, the Consumer Advocate's request for a 90-day period of time for additional discovery and investigation is reasonable and should be granted.

IT IS THEREFORE ORDERED:

The Consumer Advocate's request for an additional 90-day period for further discovery and investigation is hereby granted. On or before August 20, 2014, the parties must file a status report. The report must inform the Board whether the Huxley Clinic has experienced any call or fax completion problems since the date of this order, must inform the Board of the status of the parties' discovery and investigation, and must provide three mutually agreeable dates and times for a fifth telephone prehearing conference to discuss the status of the case and whether the Huxley Clinic has experienced any further call or fax completion problems.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST

/s/ Joan Conrad
Executive Secretary

Dated at Des Moines, Iowa, this 20th day of May 2014.